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| 09/902,729      | 07/12/2001  | Joann Ruvolo         | ARC20010011US1      | 9516             |

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EXAMINER

POLLACK, MELVIN H

ART UNIT PAPER NUMBER

2145

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/902,729 | Applicant(s)<br>RUVOLO ET AL. |  |
|                              | Examiner<br>Melvin H. Pollack | Art Unit<br>2145              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)       |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 10/21/05 have been fully considered but they are not persuasive. An analysis of the arguments is given below. The examiner verifies that they are updated versions of the arguments filed 5/18/05 that were wrongfully not addressed by the examiner in the final action.

3. The applicant argues that Zhang does not expressly disclose detecting the identity of the source (P. 12, lines 12-13). In the 5/18 arguments section, the applicant states that Zhang teaches a remote user transmitting self-identifying information (P. 16, lines 5-7). As the method of detection is not described, the retrieval and translation of this admitted information transmission is sufficient to read on the teachings as currently drawn. Further, Zhang expressly discloses detecting from the message information from the sender (col. 51, lines 25-30). Without this feature, Zhang would be unable to perform certain features such as the development of reply messages (col. 34, lines 45-65).

4. The applicant argues that neither Zhang nor Arent expressly discloses retrieving, from a database, data regarding said detected source (P. 12, lines 22-23; P. 14, lines 4-5). Zhang teaches a database linking the sender to other items of information (col. 23, lines 30-65) including status, addresses, etc. (col. 22, lines 20-45). When a sender sends certain messages, the information is added to the database (col. 31, lines 15-20), for use in activities such as synchronization (col. 33,

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lines 55-67) and resolving all recipients (col. 31, line 65). As the claims do not limit the data related to said detected source, this information is sufficient to read on the claims as drawn.

5. As for Arent, the authentication process requires retrieving locally stored data related to the user attempting access in order to complete the authentication process. More to the point, when a user receives a communication from a business, it detects an identity and uses that to determine if the merchant is authenticated and gather proof that the merchant has proof of certification. This proof of certification and authentication is clearly information related to an entity, in this case the business that performs the sending. As the claims do not limit the data related to said detected source, this information is sufficient to read on the claims as drawn.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "communication to any personal device, any formatting or summarizing of information (P. 13, lines 4-5)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim regards "rendering said data in one or more electronic devices associated with recipient," and sending the information to a user's PC so that it can be displayed, even in an e-mail or calendar software or Sidekick scheduling software (5/18 arguments, P. 17, lines 14-15), is sufficient to read on this limitation.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "automatically triggered by the receipt of communication in any format to provide additional information (5/18 arguments; P. 16, lines 20-21)") are not recited in the rejected claim(s). Although the claims are

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interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As previously explained, the claims do not draw a multitude of communication formats nor of sources of differing device types. Further, the database retrieval step may occur manually and/or at a significant time after identity detection, given the breadth of the currently drawn claims. Other unclaimed features included in the 5/18 arguments include “automatically triggering the provision of menu settings and bookmarks by the receipt of an incoming communication (P. 19, lines 14-15)” and “summarizing or rendering this [additional] information for use on another device (P. 19, line 23 – P. 20, line 1).”

8. Therefore, the rejections are maintained for the reasons above. Finality has been reinstated as a result.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 4, 7-14, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhang et al. (6,016,478).

11. For claims 1, 10, and 14, Zhang teaches a method (abstract) for automatically retrieving and rendering information (col. 1, lines 15-20) regarding a source of incoming communications (col. 1, line 20 – col. 4, line 6), said method comprising a plurality of steps (Figs. 10 and 11), one

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or more of said steps implemented locally or remotely (Figs. 1, 2, and 9), said method comprising:

- a. Receiving an incoming communication (col. 26, lines 40-55) from a source (Fig. 1B, #160; Fig. 2, #210) intended for one or more recipients (Fig. 2, #240-260);
  - b. Detecting identity of said source (Fig. 10, #1002);
  - c. Retrieving from a database (Fig. 9, #950), data regarding said detected source (col. 22, lines 20-45), and extracting data (col. 31, lines 15-65) comprising any of, or a combination of, the following information: to-do entries, future and past event entries, journal entries, and profile information (col. 5, lines 50-55; col. 10, lines 1-20);
  - d. Summarizing said extracted data (col. 10, lines 50-60);
  - e. Notifying said one or more recipients of said incoming communication (col. 6, lines 15-45; col. 7, lines 5-45), and
  - f. Rendering said data in one or more electronic devices associated with said one or more recipients of said incoming communication (Fig. 11, #1103).
12. For claim 2, Zhang teaches that the information comprises to do-entries, future and past event entries (col. 5, lines 50-55; col. 10, lines 1-20).
13. For claim 4, Zhang teaches that the step of extracting data is performed over one or more networks (Fig. 9).
14. For claims 7, 11, and 19, Zhang teaches that said data is extracted from any of the following databases: an event database containing one or more recorded events, a to-do database containing one or more actions to be performed, a journal database containing one or more

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journal entries, or a profile database containing one or more profiles associated with one or more clients (Fig. 9, #920 and #950).

15. For claims 8, 12, Zhang teaches that said step of extracting data further comprises extracting additional data related to said detected source from the World Wide Web (WWW) (col. 7, lines 33-40).

16. For claims 9 and 13, Zhang teaches that said extracted additional data includes said profile data (col. 22, lines 19-45).

17. For claim 18, Zhang teaches that said requests for communication are any of the following: a pager message, an e-mail message, or a telephone call (col. 23, lines 30-40).

18. For claim 20, Zhang teaches that said electronic devices are any of the following: telephones, mobile telephones, WAP-enabled telephones, pagers, PDAs, electronic tablets, PCs, mobile computers, laptops, or wireless computer-based devices (Fig. 1).

19. For claim 21, Zhang teaches that said system further comprises one or more entries locators associated with said one or more databases identifying specific calendar entries associates with said one or more sources, and a gatherer collecting and passing said identified specific calendar entries to said retrieval manager (Fig. 11, #1106).

20. For claim 22, Zhang teaches that said networks comprise any of the following: LAN, WAN, wireless network, or Internet (col. 1, lines 35-55).

21. Claims 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Arent (6,018,724).

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22. For claims 23 and 27, Arent teaches a method (abstract) for facilitating business transactions (col. 1, line 5 – col. 2, line 10), based on information retrieved over the World Wide Web (col. 5, lines 50-60), said method comprising:

- a. Receiving a communication from a business (Fig. 1);
- b. Detecting identity of said business (Fig. 2, #200);
- c. Accessing the World Wide Web and retrieving and extracting information related to said detected identity (Fig. 2, #240);
- d. Summarizing said extracted information (Fig. 2, #250, #270), and
- e. Performing a business transaction based on said summarized information (Figs. 4 and 11).

23. For claim 24, Arent teaches that said communication is a telephonic communication (col. 3, line 20).

24. For claim 25, Arent teaches rendering said summarized information in one or more browser enabled electronic devices associated with one or more clients (col. 5, lines 50-60).

25. For claim 26, Arent teaches that business transactions are transactions related to financial securities (col. 11, lines 40-50).

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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27. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang as applied to claims 1, 14 above, and further in view of Kim (6,546,002).

28. For claim 3, Zhang does not expressly disclose that said incoming communication is sent via any of the following: sockets, JMQ, RPC, or RMI. Kim teaches a method (abstract) of providing dynamic database accessing and messaging methods (col. 1, line 5 – col. 4, line 60) in which communication is performed via sockets (col. 11, lines 5-40). At the time the invention was made, one of ordinary skill in the art would have used sockets in a Zhang system in order to handle communications via ports (col. 11, lines 23-25).

29. For claim 17, Zhang does not expressly disclose that at least one of said one or more databases is a relational database that is accessible via search query language (SQL). Kim teaches this limitation (col. 11, lines 30-35). At the time the invention was made, one of ordinary skill in the art would have added SQL to Zhang in order to more efficiently handle queries (col. 11, lines 35-37).

30. Claims 5, 6, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang as applied to claims 1 and 14 above, and further in view of Godfrey et al. (6,463,463).

31. For claims 5 and 15, Zhang does not expressly disclose that said extracted data is in iCalendar format. Godfrey teaches a method (abstract) of providing and re-directing calendar event messages (col. 1, line 15 – col. 6, line 25) using the iCalendar format (col. 2, lines 30-40; also called ICAL). At the time the invention was made, one of ordinary skill in the art would have used iCalendar is Zhang to allow further inter-operation among systems of differing platforms (col. 2, lines 38-39).

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32. For claims 6 and 16, Zhang does not expressly disclose chronologically ordering said extracted data in iCalendar format, but does disclose chronologically ordering the data (Fig. 7B). Godfrey teaches the sorting of items in iCalendar format (col. 20, lines 10-30). At the time the invention was made, one of ordinary skill in the art would have used iCalendar as Zhang to allow further inter-operation among systems of differing platforms (col. 2, lines 38-39).

### ***Conclusion***

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

15 November 2005

  
JASON CARBONE  
SPR AV 2145